

IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1946

No. 676

THE GENERAL INDUSTRIES COMPANY,
Plaintiff-Petitioner.
vs.

20 WACKER DRIVE BUILDING CORPORATION,
LA SALLE INDUSTRIAL FINANCE CORPORATION
and GENERAL FINANCE CORPORATION,
Defendants-Respondents.

PETITION FOR REHEARING

The importance of the questions involved require the submission of this petition. The conflict between the majority opinion of the Court of Appeals and the other circuits should be settled by this Court. Unless this Court settles the conflict, endless confusion and violation of trade and corporate names will ensue, and litigants in the Seventh Circuit heavily penalized.

The trial court specifically held "a likelihood of confusion would arise if defendant used a name practically

identical with plaintiff's" (Finding of Fact 16, R. 160). This fact distinguishes the cases cited and relied upon in respondent's brief.

The situation seemingly required by the majority opinion and urged in respondent's brief that in order to protect itself against respondents appropriation of Petitioner's corporate and trade name, petitioner should secure a license to do business in every State in which its products are advertised and sold, would practically nullify business on a national scale because the reports and the Separate State taxes would render such a course financially impracticable.

Petitioner's good will and "valuable property right in its nationally known corporate and trade name" (R. 160) are entitled to protection under the Illinois law as declared by the trial court and in the dissenting opinion, and set forth in petitioner's brief and not distinguished in respondent's brief. Reconsideration of the petition for writ of certiorari is therefore urgently requested.

Respectfully submitted,

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